

**CONTINUING APPLICATION TRANSMITTAL UNDER RULE 1.53(b)
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

13281 U.S. PTO
07/21/03



32294

PATENT TRADEMARK OFFICE

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Docket No. 59556.00005

Date: July 21, 2003

21907 U.S. PTO
10/622488
07/21/03

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is a

☐ Continuation ☒ Divisional ☐ Continuation-in-Part

application of prior pending Application No. 09/940,604, filed August 29, 2001,

For (Title): MARKING METHOD AND MARKING APPARATUS USING MULTIPLE
PHOTON ABSORPTION, MARKED OPTICAL ELEMENT MANUFACTURED BY
USING THE MARKING METHOD AND THE MARKING APPARATUS

By (Inventors): Ken-ichi HAYASHI and Kazuyoshi ITOH

1. ☒ A Declaration and Power of Attorney is attached. The attached Declaration and Power of Attorney is:
 - ☒ a. A copy of the Declaration and Power of Attorney from the parent application. (Used with the same or fewer inventors and (a) a copy of the prior application or (b) a revised, reformatted or edited version of the prior application that does not contain new matter.)
 - ☐ b. A new Declaration and Power of Attorney. (Used with the same, fewer or additional inventors and (a) a copy of the prior application, (b) a revised, reformatted or edited version of the prior application that does not contain new matter, or (c) a new specification.)
2. ☒ The filing fee based on entry of the concurrently filed Preliminary Amendment is calculated below:

**CLAIMS IN THE APPLICATION AFTER ENTRY OF
ANY PRELIMINARY AMENDMENT NOTED BELOW**

FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	5 - 20	= 0
INDEP CLAIMS	2 - 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		

* If the difference is less than zero, enter "0".

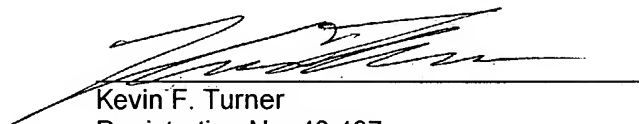
SMALL ENTITY		OR	OTHER THAN A SMALL ENTITY	
RATE	FEE		RATE	FEE
	\$ 375	OR		\$ 750
x 9 =	\$	OR	x 18	\$
x 42 =	\$	OR	x 84	\$
+140 =	\$	OR	+280	\$
TOTAL	\$	OR	TOTAL	\$ 750

3. ☒ Check No. 010284 in the amount of \$ 750.00 to cover the filing fee is attached. The Commissioner is hereby authorized to charge any other fees that may be required to complete this filing, or to credit any overpayment, to Counsel's Deposit Account No. 50-2222.
4. ☐ Cancel claims _____ of the application before calculating the filing fee. At least one independent claim is retained for filing purposes.
5. ☒ Amend the specification by inserting before the first line the sentence:
--This is a ☐ Continuation ☒ Division ☐ Continuation-in-Part of Application No. 09/940,604 filed August 29, 2001, The disclosure of the prior application is hereby incorporated by reference herein in its entirety.--
6. ☒ Formal drawings (Figs. 1 - 8; 8 sheets) are attached.
7. ☒ Priority of foreign application No. 2000-258854 filed August 29, 2000 in Japan is claimed under 35 U.S.C. §119 and/or §365(b).
8. ☒ The certified copy was filed in prior Application No. 09/940,604 on August 29, 2001.
9. ☐ A certified copy of the above foreign application(s) is attached.
10. ☐ Priority of U.S. Provisional Application(s) No. _____ filed _____ is claimed under 35 U.S.C. §119(e).
11. ☐ Amend the specification by inserting before the first line the sentence:
--This nonprovisional application claims the benefit of U.S. Provisional Application(s) No. _____ filed _____.--
12. ☒ The prior application is assigned of record to Sumitomo Heavy Industries, Ltd. recorded at Reel 012129, Frame 0806 on August 29, 2001.
13. ☐ This application is filed by fewer than all the inventors named in the prior application (37 C.F.R §1.53(b)(1)). Delete the following inventor(s) named in the prior application:
14. ☒ A Preliminary Amendment is attached.
15. ☒ An Information Disclosure Statement is attached along with Form PTO-1449.
16. ☐ Small entity status:
☐ a. Applicant qualifies for small entity status.
☐ b. Applicant qualified as a small entity status in the parent application and such status is still proper and desired.
☐ c. Small entity status is no longer claimed.
17. ☒ Other: Copy of Change of Name and Address and Associate Power of Attorney filed September 3, 2002
18. ☒ The Power of Attorney in the application is to Douglas H. Goldhush, Reg. No. 33,125; Kevin F. Turner, Reg. No. 43,437; Dinnatia J. Doster, Reg. No. 45,268; Hermes M. Soyez, Reg. No. 45,852; Marc A. Sockol, Reg. No. 40,823; Cameron Kerrigan, Reg. No. 44,826; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; David Rogers, Reg. No. 38,287; and Stuart A. Whittington, Reg. No. 45,215.

19. ☒ Address all future communications to:

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Respectfully submitted,


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KFT:lls